

City Club of Portland

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Governor Hotel - Third Floor Ballroom

11th & Alder

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Broadcast on Cable Channels 11 & 30

Taped for rebroadcast on Public Broadcasting that evening.
(It may also be rebroadcast statewide on the Oregon Public Affairs Network)

Speak for 15 minutes with Q & A following

Topic:

***© “What role should religion play in public life?
How does the Constitution inform your
thinking?”***

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Introduction

Good afternoon ladies and gentlemen. Thank you for inviting me to join you in this very important contemporary issue.

With regard to the first question, “What role should religion play in public life?”

I. ‘Religion’ plays a VITAL ROLE in American public life and **has from the very beginning.**

A. Christianity is in fact, the historical underpinning of our Jurisprudence, the Declaration of Independence, and our Constitution.

1. In 1954, Chief Justice Earl Warren said,

“I believe no one can read the history of our country without realizing that the Good Book and the spirit of the Savior have from the beginning been our guiding geniuses...

Whether we look to the first Charter of Virginia or to the Charter of New England or the Charter of Massachusetts Bay or to the Fundamental Orders of Connecticut, the same objective is present... a Christian land governed by Christian principles.”

2. Warren went on to say,

“I believe that the entire Bill of Rights came into being because of the knowledge our forefathers had of the Bible and their belief in it; freedom of belief, of expression, of assembly, of petition, the dignity of the individual, the sanctity of the home, equal justice under law, and the reservation of powers to the people.”

Herb Titus, The Constitution of the United States pg. 1-2

3. Herb Titus, former Law professor at the University of Oregon and Constitutional Scholar, wrote...

II. “From the beginning of America’s **colonial history** to its founding as a nation, the people chose to put in writing the purpose and form of their **civil governments.**”

Titus, pg. 32

So what were the **origins** of this written Constitutional tradition to which Chief Justice Warren and professor Titus referred?

Was it the Greeks? The Romans? The Enlightenment?

- A. According to Titus—and numerous other authorities—the answer is **“None of the above.”**
- B. In 1870 **Emilio Castelar**, the great Spanish statesman made the following statement to the constitutional assembly of Spain:
 - 1. “The French democracy has a glorious lineage of ideas – the science of **Descarte**, the criticism of **Voltaire**, the pen of **Rousseau**,-- and the Anglo-Saxon democracy has for its lineage **a book of primitive society – the Bible.**”
- C. Castelar went on to say,

1. “The French democracy is the product of all modern philosophy...the Anglo-Saxon democracy is the **product** of a **severe theology** learned by a few Christian fugitives in the gloomy cities of Holland and Switzerland...The French democracy...has **passed like an orgie of the human spirit drunken with ideas**...while the Anglo-Saxon democracy...remains.”

Titus states,

2. “The theology to which Castelar referred was none other than **Puritan**. At the heart of the Puritan theology of civil government was **the written civil covenant** to define the **nature** and **purpose** of the civil order and to **govern** the power of the nation’s rulers.”

3. The **Mayflower Compact**, written in 1620 by the Pilgrims who came from Holland, was the **first** uniquely American **civil compact**.

That compact formed a “**civil body politic**” and, thereby, put into effect the Puritan theology of **Covenant**.

D. In 1972, an American Bar Association **Foundation study verified this connection** Between **constitutional** government in America and the Biblical idea of “**Covenant**.” It said...

1. “The (Mayflower Document) represents the application to the affairs of civil government of the philosophy of the church covenant... This theology found in the Scriptures the right of men to associate and covenant to form a church and a civil government and to choose their own officers to administer both religious and civil affairs.”

Titus, pg. 34-35 from Sources of Our Liberties 57 (R. Perry, ed. 1976)

E. Titus says “That same study also confirmed that the Biblical covenant idea spawned the first truly authentic political constitution in the New World, the Fundamental Orders of Connecticut” to which Chief Justice Warren referred.

Titus, pg. 35

1. Historian George Leon Walker wrote in 1884 that... The Fundamental Orders of Connecticut were said to be “the first written constitution...in the history of nations.”

Gibbs, pg. 44

2. According to John Fiske, in his 1889 work, titled “Beginnings of New England” The Fundamental Orders of Connecticut were inspired by a 1638 sermon preached by the Reverend Thomas Hooker, founder of the Colony. Fiske wrote that...

Hooker maintained that (and I quote) “the **foundation of authority** is laid in the free consent of the people, that the choice of public magistrates belongs unto the people **by God’s own allowance**,” and, that “they who have the **power** to appoint officers and magistrates have the right also to set the **bounds** and **limitations** of the power and place unto which they call them.”

3. Fiske stated that “The government of the United States **today** is in **lineal descent** more nearly related to that of **Connecticut** than to that of any of the other thirteen colonies.”

Gibbs, pg. 44

Constitutional Scholar, author and attorney, **David Gibbs Jr.** states (and a growing number of scholars agree) that it was, in reality, “...the **Puritan practice of church covenants** that gave rise to the concept of **political covenants, compacts and written constitutions.**”

Gibbs, pg. 46

And it began in America as the Mayflower Compact said, “In the name of God, Amen” which means... ‘So be it.’

III. But what about the Federal Constitution our Founders drafted, approved, and gave to us?

- A. Is it a product of “Enlightenment” thinking, a “Secular” document created by ‘deists’ and ‘NOT’ a Christian based document, as many of our contemporaries would have us believe?

In 1870 **Castelar didn’t think so**, but is there **proof?**

1. For ‘proof’ we must go to the **writings of the time** of the Declaration of Independence and Constitution itself.
2. When we do so, we find it was **the Bible**, **not** the “Enlightenment” that most influenced our Founders.
3. 19th century American historian **George Bancroft**—along with many other historians— as well as **Titus** and **Gibbs**, say it was Biblically based “**Christian** Enlightenment thinkers, **Montesquieu**, and **John Locke**, along with legal philosopher, **Sir William Blackstone**, who **most influenced** American political thinking during the founding era” (End Quote). Not Voltaire and others. And **the facts bear this out.**

Verna Hall, The Christian History of the Constitution of the United States of America, pg. 138

4. About 20 years ago, two political science professors, **Donald Lutz** and **Charles Hyneman**, conducted **a massive study** of nearly 15,000 documents including books, monographs, pamphlets and newspaper articles written between 1760 and 1805, analyzing their political content.

Lutz, *The Origins of American Constitutionalism*

5. Of the 3,154 citations or references to **other sources**, the source quoted most often was the **Bible...by a 4 to 1 margin!** Their authority was clearly the Bible and the laws of God.

6. The top three sources quoted **after the Bible** were **Montesquieu** (8.3%); **Blackstone** (8%) and **John Locke** at (3%).

7. **Montesquieu**, (1689-1755) in his work, *The Spirit of the Laws*, wrote that **God is the source of all law**. He said...

“God is related to the universe, as Creator and Preserver; **the laws by which He created all things** are those by which He preserves them. He acts according to these **rules**, because He knows them, because He **made** them; and He made them, because they are in relation to His Wisdom and power.”

8. **John Locke**, (1632-1704) who wrote nearly a hundred years before Blackstone, said,

“The **law of nature** stands as an **eternal rule** of **all** men, legislators as well as others. The rules that they make for other men’s actions **must...** be conformable to the **law of nature**— i.e. to the will of God.”

9. **Sir William Blackstone**, the renowned British jurist, said the **‘laws of nature’** being the exact expression of God’s “will” for all creation, including mankind, **were “binding** over all the globe, in all countries, and at all times; **no human laws are of any validity, if contrary to this...**”

Blackstone’s Commentaries at 39-41.

“Man...must necessarily be subject to the laws of his creator, for he is an entirely dependent being...and consequently as man absolutely **depends** upon his maker for everything, it is necessary that he should in all points **conform** to his maker’s will. This will of his maker is called the **law of nature.**”

Blackstone’s Commentaries at 39.

10. In 1775 **Edmund Burke** the great British Statesman, stated in Parliament that “Blackstone’s Commentaries on the Laws of England were perhaps more popular in the colonies than they were in Britain,” that they “have sold nearly as many...in America as in England” and that the colonists “have now fallen into the way of printing them for their own use.”

Gibbs, pg. 136

11. The “**Laws of Nature and of Nature’s God**” were **the basis for the Founder’s declaration that the 13 colonies were free and independent** from the authority of the King of England and his Parliament.” Why? Because the King and Parliament were violating the “laws of nature and of nature’s God” as Jefferson would so ably point out, citing 28 violations.

IV. So what does this have to do with the Constitution?

- A. It demonstrates that the Founders were far more interested in what the Bible said and taught than they were in “Enlightenment” philosophy.
- B. Those who wish to deny the influence of Christianity on the Constitution—calling it a secular document only—argue that the **Constitution does not mention God.**

1. What they fail to understand is that the Declaration of Independence **declared** the foundational principles of freedom, justice, and dependence on God and that the **Constitution** merely **added** the **rules** by which the nation would be governed.

2. In 1897 the **U. S. Supreme Court**, speaking of the relationship of the Constitution to the Declaration, said...

“While such declaration of principles may not have the force of organic law (**the Constitution**), or be made the basis of judicial decision as to the limits of right and duty, and while in all cases reference must be had to the organic law of the nation for such limits, yet the **latter** is but **the body and the letter of which the former is the thought and the spirit**, and it is always safe to read the letter of the Constitution in the spirit of the Declaration of Independence.”

3. It has been said that the Declaration is the **“Why”** of American Government, while the Constitution is the **“How.”**

4. Further, those who argue against the Christian influence on the Constitution fail to consider the **“Subscription Clause.”**

The **‘Subscription Clause’** reads...

“Done in convention, by the unanimous consent of the States present, the seventeenth day of September, **in the year of our Lord** one thousand seven hundred and eighty seven, and of the **independence** of the United States the **twelfth**. In witness wherof, we have hereunto subscribed our names.”

5. The ‘Subscription Clause’ established the date that the Constitution was approved for submission to the people for ratification.

6. It also established that 1787 was the **“twelfth” year of the independent existence of the nation** called “the United States of America.”

7. Herb Titus says that “By acknowledging these two historical facts, the Subscription Clause has **connected the Constitution to the God of the Bible and to the Christian foundations of the nation.**”

And here is how:

8. Unlike the French Revolution two years later, the American patriots embraced God, and stayed with the Christian calendar anchored to the birth of Christ. The French on the other hand, rejected God, declared the first year of the French

Republic to be the year One, and the day after the Revolution to be the first day of the year.

9. In addition, the new French calendar eliminated the seven-day week, substituting a ten day week.

The Founders instead **chose to honor Sunday** as the day of rest, enshrining that day in **Article I, Section 7** of their new Constitution as an exception in counting the days within which a president must veto a measure of Congress.

10. By adopting the Constitution in the **twelfth year** of the nation's independence they "affirmed God and His laws as the foundation of the American legal and political order" and "by reference the Declaration of Independence as the **charter** of the nation."

Titus, The Constitution: A Christian Document, pg. 14

11. "By embracing the Declaration as the nation's founding charter, the Constitution expressly proclaimed that it **must be read consistent with that charter.**"

Titus, pg. 14

But has it? Up until 1947, it had been. Since then, much has changed.

12. On July 5th Constitutional Scholar **Robert Bork** said in the Wall Street Journal...

“The justices have weakened the authority of other institutions, public and private, such as schools, business, and churches; assisted in sapping the vitality of religion through a transparently **false interpretation** of the establishment clause; denigrated marriage and family, destroyed taboos about vile language in public; protected as free speech the basest pornography, including computer simulated child pornography; weakened political parties and permitted prior restraints on political speech, violating the core of the First Amendment guarantee of freedom of speech; created a right to abortion virtually on demand, invalidating the laws of all 50 states; whittled down capital punishment, on the path, apparently, to abolishing it entirely; mounted a campaign to normalize homosexuality, culminating soon, it seems obvious, in a right to homosexual marriage; permitted racial and gender discrimination at the expense of white males; and made the criminal justice system needlessly slow and complex, tipping the balance in favor of criminals.”

Bork went on to say, “Whatever one may think of these outcomes as matters of policy, ***not one is authorized by the Constitution*** and some are

directly contrary to it. *All of them*, however, are consistent with the left-liberal liberationist impulse that *advances moral anarchy.*”

Closing Statement:

Woodrow Wilson, 28th President of the United States said, “**A nation that does not remember what it was yesterday, does not know what it is today, nor what it is trying to do. We are trying to do a futile thing if we do not know where we came from or what we have been about.**”

We would do well to recall our Christian heritage, and that the “**liberty**” of our Founders was not licentious liberty but ‘**virtuous liberty;**’ that our Constitution is a ‘**Covenant**’ document based on the wisdom and principles of the Bible.

Of the approximately **250 men** who were our Founders, playing a leadership role from declaring our independence from Britain to ratifying the Constitution, all but 12 were serious Christians. Many were Pastors.

They believed the Bible was in fact, the authority on morality, civility and good government. Most were founders and members of various Bible Societies and Missionary Groups, not deists as many would lead us to believe.

What the **Constitution** gave us is invaluable to a civilized society. Christians, as citizens, simply seek to **uphold** it as did our Founders, as what it is, **a legal written document** based on the Biblical view of ‘**covenant**’, one which **limits** **the power of government, respects and upholds the laws of God upon which it is based, and our God given liberties as free men and women.**

Thank you for allowing me to share these thoughts with you.

May God bless each and all of you, and may His mercy be upon us all.

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